

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

SUSAN M. GRANT and REX BECK,)	
husband and wife,)	
)	
Plaintiffs,)	8:05CV66
)	
v.)	
)	
PHARMAVITE, LLC, a California)	ORDER
Limited Liability Company,)	
and NATRACEUTICAL CORP.,)	
d/b/a SOLARAY, a foreign)	
corporation,)	
)	
Defendants.)	
_____)	

This matter is before the Court on defendants' motions to strike the affidavit of Michael Sorrell, M.D. ("Dr. Sorrell") (Filing Nos. 65 and 70). After examination of the affidavit, briefs of the parties and evidentiary submissions, the Court will deny the motions to strike Dr. Sorrell's affidavit. The Court will preclude Dr. Sorrell from providing any opinions expressed in paragraphs 3b and 3d of his affidavit because Dr. Sorrell's written report fails to provide the "basis and reasons" which support those opinions as required by Fed. R. of Civ. P. 26(a)(2)(B). Accordingly,

IT IS ORDERED that defendants' motions to strike the expert affidavit of Dr. Michael Sorrell is denied. Michael Sorrell, M.D., will be precluded from testifying to any opinions

outside of those expressed in his January 27, 2006, deposition and in paragraphs 3a and 3c of his March 29, 2006, affidavit.

DATED this 23rd day of May, 2006.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court